

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Wesley Elmer Wills,

Civ. No. 11-3429 (PAM/TNL)

Plaintiff,

v.

ORDER

Lucinda Jesson, Dennis Benson, Kevin Moser,
Elizabeth Barbo, Kevin Browne, Tracey Gebhart,
Susan Johnson, Scott Benoit, Terry Kneisel,
Julianna Beavens, Blake Carey,
William Gullickson, Sara Kulas, Jim Lind,
Ron Fischer, Randy Gordon, Mike Zimmerman,
Laurie Severson, Ralph Schmidt, Jamie Jungers,
Beth Virden, Thane Murphy, Diana Maagard,
Robert Rose, Phil Wilder, Thomas Lundquist,
Leslie Barfknecht, Yvette Anderson, Tara Osborne,
Dana Osborne, Kent Johannsen, Teresa Kneis,
Cornelia Lough, Jane Stinar, Jason Johnson,
Rhonda Haugstad, Justin Wright, Rick O'Connor,
Jared Rock, Greg Swenson, Amanda Hegge,
Craig Berg, Corey Vargason, Nate Crotteau,
John Doe Staff, and Jane Doe Staff,

Defendants.

This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Tony N. Leung dated December 19, 2011. In the R&R, Magistrate Judge Leung recommends the dismissal of thirteen of the named Defendants due to Plaintiff’s failure to allege any personal involvement by those Defendants in Plaintiff’s alleged civil rights violations under 42 U.S.C. § 1983. Specifically, the R&R recommends dismissal of Lucinda Jesson, Dennis Benson, Elizabeth Barbo, Tracy Gebhart, Sara Kulas, Ralph

Schmidt, Jamie Jungers, Beth Virden, Thane Murphy, Diana Maagard, Thomas Lundquist, Kent Johannsen, and Cornelia Lough. Plaintiff filed objections to the R&R.

According to statute, the Court must conduct a de novo review of any portion of the Magistrate Judge's opinion to which specific objections are made. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). Based on that de novo review, the Court adopts the R&R.

Plaintiff contends that R&R inappropriately recommends the dismissal of certain of the named Defendants because he has sufficiently alleged their involvement in the underlying alleged constitutional violations. Specifically, Plaintiff argues that the following Defendants should not have been dismissed: Lucinda Jesson, Dennis Benson, Tracy Gebhart, Ralph Schmidt, Jamie Jungers, Beth Virden, Thane Murphy, Diana Maagard, and Kent Johannsen.¹ (Docket No. 5 at 2.) As to Defendants Jesson and Benson, Plaintiff asserts that they are proper defendants because they are directly responsible for the development and implementation of the policies and procedures at issue. As Magistrate Judge Leung noted, however, a civil rights claimant must plead facts sufficient to show each defendant's personal involvement in or responsibility for the alleged violations. (Docket No. 3 at 3 (citing Ellis v. Norris, 179 F.3d 1078, 1079 (8th Cir. 1999)).) Plaintiff has not done so as to Defendants Jesson or Benson.

¹ Plaintiff does not appear to challenge the dismissal of Elizabeth Barbo, Sara Kulas, Thomas Lundquist, or Cornelia Lough.

With respect to Defendants Gebhart, Schmidt, Junders, Virden, Murphy, Maagard, and Johannsen, Plaintiff states that he specifically included allegations relating to them in the Complaint. The Court has reviewed the Complaint and found no substantive allegations specifically linking any of the aforementioned Defendants to the constitutional violations alleged. Accordingly, Magistrate Judge Leung correctly recommended that those Defendants be dismissed from the case as well.

Accordingly, **IT IS HEREBY ORDERED that:**

1. The R&R (Docket No. 3) is **ADOPTED**;
2. Lucinda Jesson, Dennis Benson, Elizabeth Barbo, Tracy Gebhart, Sara Kulas, Ralph Schmidt, Jamie Jungers, Beth Virden, Thane Murphy, Diana Maagard, Thomas Lundquist, Kent Johannsen, and Cornelia Lough are summarily **DISMISSED**.

Dated: January 17, 2012

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge